

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
JULY 22, 2015**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, July 22, 2015, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
David Prechtel	Present
Thomas Schmidt	Present
Earl Schmitt	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Present
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita S. Boehm	Present

Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. All seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. June 17, 2015 regular common council meeting

A motion was made by Council member David Prechtel and seconded by Council member Kevin Manley to approve the minutes as presented. Motion carried 7-0.

PUBLIC HEARING

Mayor Seitz then opened the public hearing concerning the petition of Aaron Rees to vacate a portion of a public utility and drainage easement on Lots 4 and 5 of Brentwood Subdivision Phase I [322 S. Meridian Road]

A notice appeared in the Herald on July 11, 2015, was posted at city hall and faxed to the news media.

Brad Eckerle with Brosmer Land Surveying said he was representing Mr. Rees. Rees owns Lots 4 and 5 with his house located on Lot 4. Eckerle said Rees wants to construct an accessory building within the existing easement area. Ten ft of the 20 ft public utility and drainage easement [PU&DE] is located along the northeasterly line of Lot Four (4) and 10 ft of the 20 ft PU&DE is located along the southwesterly line of Lot Five (5). If the easement is vacated, Rees will then grant the City a 20ft PU&DE on Lot 5.

At its July 20, 2015 meeting, the Utility Service Board gave a favorable recommendation to the vacation request.

Mayor Seitz asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to close the public hearing. Motion carried 7-0 and the public hearing was closed.

**ORDINANCE NO. 2015-19 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT
(Lots Four and Five of Brentwood Subdivision Phase I)**

This ordinance vacates a 20 ft PU&DE along Lots 4 and 5 of Brentwood Subdivision Phase I.

A motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Kevin Manley to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2015-19. Motion carried 7-0.

PUBLIC HEARING

Mayor Seitz then opened the public hearing concerning the petition of Donald and Marilyn Hopster to vacate public alleys adjacent to Lot numbers 48, 49, 96, and 97 in the original Town, now City of Jasper, Indiana. This area is commonly known as 205 W 4th St and 302 Clay St.

A notice appeared in the Herald on July 7, 2015, was posted at city hall and faxed to the news media.

Bill Kaiser with Bingham Greenebaum Doll LLP said he was representing the Hopsters. He said there is a change to the petition because the Hopsters want to remove the vacation of alley No. 1. The proposed vacations according to the petition are listed below.

Alley No. 1: The alley located between Lot No. 97 and Lot No. 96 in the original Town, now City of Jasper, Dubois County, Indiana.

Parcel Nos: 19-06-35-103-605.000-002
19-06-35-103-604.000-002

Alley No. 2: The alley located between Lot No. 97 and Lot No. 49 in the original Town, now City of Jasper, Dubois County, Indiana.

Parcel Nos: 19-06-35-103-601.000-002
19-06-35-103-603.000-002
19-06-35-103-604.000-002

Alley No. 3: The alley located between Lot No. 48 and Lot No. 49 in the original Town, now City of Jasper, Dubois County, Indiana.

Parcel Nos: 19-06-35-103-607.000-002
19-06-35-103-606.000-002
19-06-35-103-601.000-002

According to written comments from the various department heads, there is a three-phase primary electric circuit running the length of alley No. 2 and a secondary electric street light wire running on the edge of alley No. 3. Also, there is an existing 2" natural gas main in the alley between Lots 97 and 49. The City will need easements to replace the vacated alleys.

Kaiser said at the Utility Service Board meeting Hopster agreed that the City could retain an ingress/egress for the utilities in the alleyways. Kaiser said he needs to provide a description of the easements that will replace the vacated alleys.

Mayor Seitz then asked for public comments. No comments were received. City Attorney Renee Kabrick asked if anyone from the public uses the alley for ingress/egress. There was no response.

Council member Gregory Schnarr asked if it was correct that an alley is not used to access the parking lot on Lot 49. Kaiser said that was correct. There is a large utility pole in the alley that prevents one from accessing the lot. For clarification purposes, Schnarr asked where the vacation stops between alleys 2 and 3. Kabrick said the City will have easements and it is just a matter of describing the area appropriately. Kaiser said the appropriate way is to go to the center of the intersection.

Being no further comments, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to close the public hearing. Motion carried 7-0.

**ORDINANCE NO. 2015-20 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, VACATING A PORTION OF PUBLIC RIGHTS-OF-WAY
(Public alleys adjacent to Lots 48, 49, and 97 in the original Town of Jasper)**

This ordinance vacates two public alleys adjacent to Lot numbers 48, 49, and 97 in the original Town, now City of Jasper, Indiana; commonly known as 205 W 4th Street and 302 Clay Street.

A motion was made by Council member Raymond Howard and seconded by Council member David Prechtel to consider the ordinance for one reading only. Motion carried 7-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to read the ordinance by title only. Motion carried 7-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Randall Buchta to pass and adopt Ordinance No. 2015-20. Motion carried 7-0.

UTILITY SERVICE BOARD REPORT

General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report on the regular monthly Utility Service Board meeting held on July 20, 2015. A copy of the Utility Service Board minutes is supplied to each council member.

DUBOIS STRONG

Ed Cole, president of Dubois Strong, gave some highlights from their recent housing study. As part of the action plan, they created a subcommittee to determine who is going to be the “experts” going forward. Other information he reported was on the progress being made by the logistics council, a handout for when they work with WorkOne, and an Enterprise loan fund handout.

DUBOIS COUNTY LEADERSHIP ACADEMY

Amanda Smith, Tim Doersam, and Arlet Jackle, a team participating in the Dubois County Leadership Academy, said their goal is to revamp and revitalize the organization through marketing because they want to have more participants in the program next year.

Mayor Seitz said Tim Doersam is the City of Jasper’s representative in the current program.

FORMER JASPER CABINET PROPERTY

Council member Randall Buchta asked for an update on the former Jasper Cabinet property. City Attorney Renee Kabrick said the property owner has spent about \$18,000 on cleanup. She also said the owner was given a list of items that need to be done by Strassenfest such as cleaning up the debris around the building, covering the broken windows, repairing a fence and gate, plus a few more items. He was also given a list of items that need to be done after the Strassenfest. Council member Thomas Schmidt said in his opinion, the building should be torn down because he does not think it can be used for anything.

MONSTER RECYCLING PROPERTY

Council member Kevin Manley asked about the Monster Recycling property located on Vine Street. City Attorney Renee Kabrick said after an inspection in June, the state attorney general's office filed an emergency injunction to shut the doors of the business due to a myriad of violations found by the fire marshal's office. A hearing had been scheduled for July 6 in the Dubois County Circuit Court, but it had been continued to August 13. Kabrick had a discussion with the attorney from the state fire marshal. He said the hearing was continued based on the additional improvement that was made to the building in respect to the violations that were noted in the state fire marshal's report. The state fire marshal's office has a policy to work with the business owner that when they see improvement, they give them additional time. The contract with Ferdinand was also taken into consideration in allowing the business to continue to operate.

Kabrick said the city had to contact Paul Voegerl Sr. about the debris accumulating around the building as work was being done to bring the building into compliance. Manley asked about fire hazards with the building, and Kabrick stated that one of the reasons the emergency injunction had been filed was due to inadequate fire suppression systems in the building. But the extra time was given after the state received a certificate of a proper operational fire suppression system being installed in the building. A report on the conditions of the building from the Indiana Department of Environmental Management will likely be issued in August. IDEM representatives inspected the building at the same time the fire marshal's office conducted their inspection. Kabrick added at this point in time, the City has not made any determination that it is an unsafe building, only what the state fire marshal has said.

MILL WALL

Council member Kevin Manley then asked about the status of fixing the mill wall. Mayor Seitz said the Board of Public Works and Safety will be accepting bids at its next meeting.

SUBDIVISION CONTROL ORDINANCE

Council member Kevin Manley asked about the status of updating the subdivision control ordinance. City Attorney Renee Kabrick said the zoning ordinance and the subdivision control ordinance are being combined into one ordinance called a unified development ordinance. A draft copy of the ordinance is being reviewed.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to adjourn the meeting. The motion carried 7-0 and the meeting adjourned at 8:02 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 19th day of August, 2015.

Mayor Terry Seitz
Presiding Officer

Attest: _____
Juanita S. Boehm, Clerk-Treasurer